

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 02, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ZACH WAGGONER,

Plaintiff,

-vs-

WALLA WALLA COUNTY
SHERIFF'S DEPT, FEDERAL
BUREAU OF INVESTIGATION,
and ALICIA SIMS,

Defendants.

No. 4:24-CV-05151-JAG

ORDER DISMISSING ALL
CLAIMS WITH PREJUDICE

BEFORE THE COURT are Defendant Walla Walla County Sheriff's Office's Motion to Dismiss for Failure to State a Claim; ECF No. 6. The Court has reviewed the briefing and is fully informed. For the reasons detailed below, all claims are dismissed with prejudice.

I. BACKGROUND

Plaintiff filed a complaint on November 15, 2024, alleging several violations of criminal law under the Federal criminal code. ECF No. 1. Plaintiff lists 18 U.S.C. §§ 371, 208, 241, 311, 98, 371, 1512, 1346, and 2339C. ECF No. 1. Plaintiff successfully served Walla Walla Sheriff's Office, but not the Federal Bureau of Investigation or individual defendant Alicia Sims. ECF No. 8.

1 Defendant Walla Walla County Sheriff's Office moved for dismissal of all claims.
2 ECF No. 6.

3 II. ANALYSIS

4 Defendant Walla Walla County Sheriff's Office seeks dismissal the
5 Complaint for failure to state a claim. ECF Nos. 6. Defendant asks the Court to
6 dismiss Plaintiff's claims as no claim alleged is supported by facts that if proven,
7 could support a finding in Plaintiff's favor. Plaintiff responded to the motion, ECF
8 No. 9, and filed a sur-reply, ECF No. 11, neither of which addressed the legal basis
9 for Defendant's motion to dismiss.

10 To survive a Fed. R. Civ. P. 12(b)(6) motion to dismiss, a complaint must
11 allege sufficient facts to raise the right to relief beyond a speculative level. *Bell*
12 *Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). The complaint provides a
13 defendant notice of the claim(s) being made and the facts a plaintiff asserts
14 supports those claims. "Federal Rule of Civil Procedure 8(a)(2) requires only a
15 short and plain statement of the claim showing that the pleader is entitled to relief,
16 in order to give the defendant fair notice of what the ... claim is and the grounds
17 upon which it rests." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
18 (internal citations omitted). Courts need not accept as true legal conclusions
19 "[t]hreadbare recitals of the elements of a cause of action, supported by mere
20 conclusory statements." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Only a
21 complaint that states a plausible claim for relief with well-pleaded facts
22 demonstrating the pleader's entitlement to relief can survive a motion to dismiss.
23 *Id.* at 679. "The plausibility of a pleading thus derives from its well-pleaded
24 factual allegations." *Whitaker v. Tesla Motors, Inc.*, 985 F.3d 1173, 1176 (9th Cir.
25 2021).

27 Defendant argues two grounds for dismissal: (1) "Walla Walla Sheriff's
28 Dep't" is not a proper party; and (2) Federal criminal codes have no private cause

1 of action. Because the second issue is dispositive as to all Defendants, served and
2 not served, the Court decides the case without consideration of the first rationale
3 offered in support of dismissal. The Complaint fails to state a claim upon which
4 relief may be granted because there is no private cause of action under the federal
5 statutes Plaintiff cites.

6 Each of the claims asserted are found in Title 18, which is the federal
7 criminal code. None of the Title 18 statutes create subject matter jurisdiction
8 because they do not give a private cause of action. A private cause of action
9 provides the legal basis for pursuing a civil lawsuit; it must be premised on either a
10 statute or common law principle and supported by facts for each element of the
11 cause of action. *See* Thompson Reuters, How to specify cause of action and
12 elements using on-point cases, (May 22, 2025), [https://legal.thomsonreuters.com](https://legal.thomsonreuters.com/blog/cause-of-action-overview-and-how-to-specify-elements/)
13 [/blog/cause-of-action-overview-and-how-to-specify-elements/](https://legal.thomsonreuters.com/blog/cause-of-action-overview-and-how-to-specify-elements/). “The question
14 whether a statute creates a cause of action, either expressly or by implication, is
15 basically a matter of statutory construction.” *Transamerica Mortgage Advisors,*
16 *Inc. v. Lewis*, 444 U.S. 11, 15 (1979). Congress' intent is determined by examining
17 “the language or structure of a statute or the circumstances of its enactment.” *Id.*
18 The structure of these statutes indicates that Congress intended them to be only
19 criminal. They are placed within the United States Code alongside other statutes
20 over which the United States would have criminal jurisdiction. They provide no
21 civil remedies, only criminal remedies such as fine and imprisonment. The
22 language and structure of these statutes do not show any intent by Congress to give
23 a private cause of action under these statutes.
24

25 The circumstances of the enactment of Title 18 also do not indicate a private
26 cause of action exists. When Title 18 was passed into law, it took various federal
27 criminal statutes that were in effect on April 15, 1947, and organized them into
28 Title 18. 93 Cong. Rec. 5181, 5182 (1947). Congress understood the bill to be

1 targeted at the organization of criminal statutes in order to effectively prosecute
2 criminals. *Id.*

3 Due to the structure of Title 18 and this history of enactment, it is clear that
4 Congress did not intend to create a private cause of action based on any of the
5 provisions of Title 18 that Plaintiff rests his claims. Consequently, Plaintiff's
6 complaint must be dismissed for failure to state a claim.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Defendant's Motion to Dismiss for Failure to State a Claim, **ECF**
9 **No. 6**, is **GRANTED**.

10 2. All claims, as to all Defendants, are **DISMISSED with**
11 **PREJUDICE**.

12 3. Any remaining motions are **DENIED AS MOOT**.

13 4. Judgment shall be entered in favor of the Defendants.

14 5. The case is **CLOSED**.

15 **IT IS SO ORDERED.** The District Court Executive is directed to file this
16 Order, provide copies to counsel and *pro se* Plaintiff, enter Judgment in favor of
17 the Defendants, and **CLOSE** this case.

18 DATED July 2, 2025.



James A. Goetze
JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE